

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SHAWN CHARLES GAINES,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

Case No. C04-5829RBL

ORDER ADOPTING REPORT
AND RECOMMENDATION

The petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. This case has been referred to Magistrate Judge J. Kelley Arnold pursuant to Title 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates' Rules MJR 3 and MJR 4.

The Court having reviewed the Report and Recommendation, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The petition is **DISMISSED WITH PREJUDICE** for the numerous reasons outlined in the Report and Recommendation.
- (3) The clerk is directed to send copies of this Order to counsel for petitioner and respondent and to the Hon. J. Kelley Arnold.

DATED this 27th day of July, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE